

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL HOLTSINGER,

Plaintiff,

No. CIV S-03-0732 MCE CMK P

vs.

J.M. BRIDDLE, et al.,

Defendants..

ORDER

On April 16, 2007, plaintiff filed a request asking the court to require that defendant Nolan provide plaintiff with “a copy of all papers referred to in affidavits filed in support of defendant Nolan’s motion for summary judgment and order that the documents be proven true.” (Doc. 189.) Plaintiff is referring to the ICC meeting reports for both him and inmate Magnan, dated June 27, 2002 and the incident report of the June 22, 2002 assault. In his declaration, defendant Nolan states that he relied on these two documents to refresh his memory for his declaration, and he references the documents as “Attachment 1 and Attachment 2.”

Upon review of the declaration it is true that defendant Nolan failed to attach either Attachment to his declaration. Further, although plaintiff mentioned this issue in his opposition to defendant’s motion for summary judgment, defendant did not cure the defect in his response to the opposition.

1 Therefore, in an abundance of caution, the court will order defendant to file a
2 copy of Attachment 1 and Attachment 2, which are referenced in defendant Nolan's declaration,
3 with the court and to also serve a copy of these documents on plaintiff.

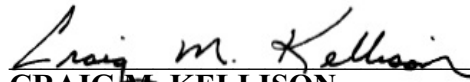
4 IT IS ORDERED that:

5 1. Within five days of the date this order is filed defendant Nolan shall file a copy
6 of Attachment 1 and Attachment 2, which are referenced in defendant Nolan's declaration, with
7 the court and to also serve a copy of these documents on plaintiff.

8 2. Should review of these documents change plaintiff's opposition to defendant
9 Nolan's motion for summary judgment, he will have twenty days from the date this order is
10 signed to file a supplemental opposition to the motion for summary judgment.

11 3. **Any supplemental opposition to the motion for summary judgment shall**
12 **be filed on or before May 10, 2007.**

13
14 DATED: April 19, 2007.

15
16 
17 **CRAIG M. KELLISON**
18 **UNITED STATES MAGISTRATE JUDGE**
19
20
21
22
23
24
25
26